

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:	*	
	*	CASE NO. 11-01500 MCF
GILBERTO NEGRON FRANCESCHINI	*	
AMANDA ROCHE RODRIGUEZ	*	CHAPTER 13
	*	
DEBTORS	*	

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**DEBTORS' MOTION REQUESTING ORDER DIRECTING  
SECURED CREDITOR CRIM TO ISSUE A PROPERTY TAX DEBT RELEASE  
CERTIFICATION CONCERNING MONIES PAID BY THE TRUSTEE  
THROUGH THE CONFIRMED PLAN**

TO THE HONORABLE COURT:

NOW COME, **GILBERTO NEGRON FRANCESCHINI and AMANDA ROCHE RODRIGUEZ**, debtors in the above captioned case, through the undersigned attorney, and very respectfully state, pray and request as follows:

1. The debtors' confirmed Plan dated June 18, 2013, docket no. 80, as amended (debtors' original Plan was confirmed on May 2, 2011, docket no. 24), provides for payment in full (100% plus 4.25% interest) to all general unsecured creditors. The Plan's funding stems from debtors' monthly Plan payment, debtors' tax refunds, and a "lump sum" to be obtained from the sales of a real property located at Santa Isidra B Avenue Fajardo, Puerto Rico (the "Fajardo property").

2. The debtors listed creditor CRIM in their schedules, as a property tax liability, owing the sum of \$6,143.00, which creditor was listed as *CRIM, Asesoramiento Legal, PO Box 195387 San Juan PR 00919-5387*. See Schedule "D", docket no. 1.

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3. On April 11, 2011, the undersigned attorney filed a proof of claim number 10-1, on behalf of CRIM, for the secured sum of \$6,143.00.

4. The debtors' confirmed Plan proposes payment in full to CRIM, claim no. 10-1, and the Chapter 13 Trustee paid in full (100%) said claim.

5. The payment of \$6,143.00 to CRIM was to be applied by said creditor to the property tax debt owed on the Fajardo property.

6. In preparation for the sales of the Fajardo property, during the year 2013, the debtors obtained a property tax debt certification issued by CRIM which reflected that CRIM had not applied the monies paid by the Trustee to the Fajardo property's tax debt.

7. Since June, 2013, the debtors and their undersigned attorney have been requesting CRIM, through its Counsel, Carmen Priscila Figueroa, Esq., a tax release certification concerning the monies paid by the Trustee through the confirmed Plan.

8. Concerning this matter, the debtors have visited the CRIM Offices, they have made multiple telephone calls to CRIM, their undersigned attorney has sent two letters and multiple email communications, to no avail.

9. A CRIM issued *Statement of Account* dated March 28, 2014, reflects that the Fajardo property still appears owing the tax debt which was paid through the debtors' confirmed Plan by the Chapter 13 Trustee, in the present case. Attached is copy of said *Statement of Account* dated March 28, 2014.

10. It is evident that CRIM received from the Chapter 13 Trustee the sum of \$6,143.00 to be applied to the property tax debt owed on the Fajardo property and the

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same tax debt still appears to be owed. It appears that CRIM has failed to credit the monies received from the Chapter 13 Trustee to the tax debt on the Fajardo property.

11. As of the date of this motion, a potential buyer is pending for the sales of the Fajardo property.

12. Should this Honorable Court authorize the debtors to execute the sales of the Fajardo property, CRIM would be unlawfully collecting or withholding the property tax debt which still appears on its records as an unpaid balance. This undue payment to CRIM will reduce the amount to be received by the Trustee from the proceeds of the aforementioned sales of the Fajardo property.

13. The failure by CRIM to apply the monies received from the Chapter 13 Trustee to the property tax debt on the Fajardo property prejudices the debtors, the Chapter 13 Trustee and all creditors in the present case.

14. Moreover, the failure by CRIM to apply the monies to the property tax debt on the Fajardo property results in an impediment on the closing of the projected sales which may be delayed and or canceled pending the resolution of CRIM's claim.

15. Based on the aforementioned, the debtors hereby respectfully request that this Honorable Court issue an Order to secured creditor CRIM to apply the funds received from the Chapter 13 Trustee and proceed to issue a debt certificate reflecting that these funds were duly applied and the property tax debt on the Fajardo property was reduced for said amount, in the present case.



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**WHEREFORE**, the debtors respectfully request this Honorable Court grant the present motion and Order CRIM to apply the funds received from the Chapter 13 Trustee to the property tax debt on the Fajardo property and Order CRIM to issue a new property tax debt certification reflecting said application of these funds to said account, in the above captioned case.

**NOTICE:** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**CERTIFICATE OF SERVICE:** I hereby certify that a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of the same to: the Chapter 13 Trustee Jose R Carrion Morales, Esq.; I also certify that a copy of this motion was sent via US Mail to CRIM, Carmen Priscila Figueroa, Esq., PO Box 195387 San Juan PR 00919-5387; debtors Gilberto Negrón Franceschini and Amanda Roche Rodríguez, PO Box 10105 Humacao PR 00792.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 2<sup>nd</sup> day of April, 2014.

/s/Roberto Figueroa Carrasquillo  
ROBERTO FIGUEROA CARRASQUILLO  
ATTORNEY FOR PETITIONERS  
USDC #203614  
PO BOX 186 CAGUAS PR 00726  
TEL NO 787-744-7699 FAX 746-5294  
Email: [rfigueroa@rfclawpr.com](mailto:rfigueroa@rfclawpr.com)

ESTADO LIBRE ASOCIADO  
CENTRO DE RECAUDACION DE INGRESOS MUNICIPALES  
ESTADO DE CUENTA / STATEMENT OF ACCOUNTFecha Impresión: 28/03/2014  
Hora Impresión: 2:00:28PMFecha de Intereses/Descuento  
Int/Disc Date: 28/03/2014

Certificate # 7796820

Número de Catastro (Pin Number)	Número de Prestamo (Loan Number)	HIP MTG ID	Municipio (Municipality)				
150-037-195-15-001			24				
Tipo Notif/ Bill Type	Fecha Notif/ Bill Date	Principal Unpaid Tax	Descuento Discount	Penalidad Penalty	Intereses Interest	Recargos Surcharge	Cantidad Adeudada Amount Due
2014-I	01/01/2014	739.63	0.00	0.00	0.00	0.00	739.63
2014-I	01/07/2013	739.63	0.00	0.00	0.00	0.00	739.63
2013-I	01/01/2013	739.63	0.00	0.00	0.00	0.00	739.63
2013-I	01/07/2012	739.63	0.00	0.00	0.00	0.00	739.63
2012-I	01/01/2012	739.63	0.00	0.00	0.00	0.00	739.63
2012-I	01/07/2011	739.63	0.00	0.00	0.00	0.00	739.63
2011-I	01/01/2011	739.63	0.00	0.00	0.00	0.00	739.63
2011-I	01/07/2010	739.63	0.00	0.00	0.00	0.00	739.63
2010-IS	01/02/2010	1,479.26	0.00	0.00	0.00	0.00	1,479.26
2009-IS	01/02/2010	1,264.46	0.00	0.00	0.00	0.00	1,264.46
2008-IS	01/02/2010	1,264.46	0.00	0.00	0.00	0.00	1,264.46
Grand Total		9,925.22	0.00	0.00	0.00	0.00	9,925.22

\*\* Caso en Quiebra \*\*

Total Adeudado Al CRIM	9,925.22
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Esta certificación no sera oficial sin el importe de \$2.50 en estampillas emitidas por el CRIM. Es valida para gestiones de cobro.

Esta Certification no incluye deudas por mejoras que estuvieran sin tasar.

Direccion Postal / Postal Address  
NEGRON FRANCESCHINI GILBERTOPO BOX 10105  
HUMACAO PR 00792-1120

Localización de la Propiedad / (Property Location)

URB STA ISIDRA  
FAJARDO